

REMARKS

Applicant submits this Response in response to the final Office Action mailed March 31, 2008. Applicant proposes amendment of claims 71 and 79-81 and cancellation of claims 7, 9, 10, 12, 50, 53-55 and 78. Claims 71-77 and 79-93 would be pending upon entry of this amendment. No new matter has been added. Applicant believes this amendment to be proper after final rejection, as the amendments will place the application in condition for allowance, as noted below.

In the Office Action, the Examiner continues to reject claims 7, 9-10, 12, 50 and 53-55 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,918,013 to Mighdoll et al. (“Mighdoll”), and claims 71-77 and 82 under 35 U.S.C. § 103(a) as being unpatentable over Mighdoll in view of U.S. Patent No. 6,006,257 to Slezak (“Slezak”). The Examiner also indicates that claims 78-81 would be allowable if rewritten in independent form, and that claims 83-93 are allowable.

Without acquiescing in the Examiner’s assertions in rejecting claims 7, 9-10, 12, 50, 53-55, 71-77 and 82,¹ in the interest of having a patent be issued on the subject matter currently indicated as allowable, Applicant proposed cancellation of the rejected claims, and has rewritten independent claim 71 to include the limitations of dependent claim 78 that the Examiner has indicated are allowable subject matter (and adjusted the dependency of claims 79-81). Applicant therefore believes claims 71-77 and 79-93 to be allowable upon entry of the amendment, and respectfully requests entry of the amendment and allowance of claims 71-77 and 79-93.

¹ As Applicant’s remarks with respect to the Examiner’s rejections are sufficient to overcome these rejections, Applicant’s silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., assertions regarding dependent claims, whether a reference constitutes prior art, whether references are legally combinable for obviousness purposes) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

CONCLUSION

In view of the foregoing, Applicant respectfully submits that the proposed pending claims are in condition for allowance. Reconsideration and allowance are respectfully requested. If there are any outstanding issues which need to be resolved to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned representative by phone at the number indicated below to discuss such issues. To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to deposit account number 07-2347. With respect to this application, please charge any other necessary fees and credit any overpayment to that account.

Respectfully submitted,

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